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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIPE ROBLES VASQUEZ p/k/a RALDY
VASQUEZ and CAMPEÑO
ENTERTAINMENT GROUP, INC.,

Plaintiffs,

v.

FERNANDO TORRES NEGRON,

Defendant.

06 CIVIL 619 CM (TSZ)

**JUDGMENT AND
PERMANENT INJUNCTION**

A non-jury trial before the Honorable Thomas S. Zilly, United States District Judge, having begun on May 1, 2008, and at the conclusion of the trial the Court having found in favor of the plaintiffs, in the sum of \$6.90, together with prejudgment interest in the amount of \$1.09,¹ for a total award of \$7.99, as against the defendant, and having entered a permanent injunction against the defendant, now therefore it is

ORDERED, ADJUDGED, AND DECREED: That (1) the plaintiffs have judgment in the sum of \$7.99, together with the costs of this action, as against the defendant, and further that (2) the defendant Fernando Torres Negrón and his agents, employees, representatives,

¹ Prejudgment interest was awarded as an exercise of the Court's discretion pursuant to the Copyright Act of 1976, specifically 17 U.S.C. § 504(b). *See Softel, Inc. v. Dragon Med. & Sci. Commc'ns Ltd.*, 891 F. Supp. 935, 943-44 (S.D.N.Y. 1995); *see also Polar Bear Prods., Inc. v. Timex Corp.*, 384 F.3d 700, 717 n.13 & 718 (9th Cir. 2004). The amount was calculated using the average for each year of the weekly rates based on the one-year constant maturity treasury yield, which were as follows: (i) 2.34% from August 19, 2004, through December 31, 2004; (ii) 3.62% for 2005; (iii) 4.94% for 2006; (iv) 4.53% for 2007; and (v) 2.03% from January 1, 2008, through May 14, 2008. Interest was compounded annually.

1 and all other persons and entities acting or purporting to act on his behalf or for his benefit
2 are hereby permanently enjoined, restrained, and stayed from

3 (a) manufacturing, selling, distributing, copying, reproducing, performing, licensing,
4 adapting, modifying, translating, arranging, exploiting, using, profiting from or otherwise
5 benefitting or making any gain of any nature from the song entitled "Noche de Fiesta,"
6 identified in United States Copyright Registration No. PAU 2-624-261, including but not
7 limited to any and all versions, adaptations, arrangements, translations, and derivatives
8 thereof (hereinafter "Noche de Fiesta"), in any manner or way, directly or indirectly, through
9 or by any means, process, procedure, invention, creation, device, or method, or way know or
10 hereafter developed or created, throughout the universe

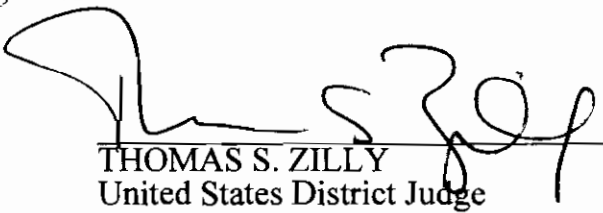
11 (b) applying for, obtaining, claiming under, asserting any right, title, or interest based
12 thereon, or maintaining in force and effect any copyright registration or the equivalent or
13 substantial equivalent, covering, including, granting rights, title, or interest of any nature, or
14 protecting "Noche de Fiesta," in whole or part, anywhere in the universe, except that nothing
15 herein shall preclude the defendant from asserting rights in the lyrics of "Noche de Fiesta"
16 apart from the musical composition thereof

17 (c) directly or indirectly granting any right, title, or interest in or to, or authorizing,
18 permitting, or consenting to any manufacture, sale, distribution, copying, reproducing,
19 performing, licensing, adapting, modifying, translating, arranging, exploiting, using,
20 profiting from or otherwise benefitting or making any gain of any nature from "Noche de
21 Fiesta," in whole or part, anywhere in the universe, and

22 (d) accepting, collecting, getting, obtaining, receiving, requesting, soliciting, keeping,
23 or retaining, directly or indirectly, any and all income, money, benefit, revenue, or other
24 consideration of any nature resulting from manufacturing, selling, distributing, copying,
25 reproducing, performing, licensing, modifying, adapting, arranging, exploiting, or using
26 "Noche de Fiesta," directly or indirectly, in whole or part, anywhere in the universe.

1 IT IS SO ORDERED.

2 DATED: Seattle, Washington
3 May 14, 2008

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5 THOMAS S. ZILLY
6 United States District Judge
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